

Decision 02-12-006 December 5, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Wilsons The Leather Experts,

Complainant,

vs.

Brake-Delivery Service-Meier Transfer Service
For Violation of PU Code 451 and 453 By Seeking
to Assess Unlawful Undercharges,

Defendant.

Case 94-05-036
(Filed May 23, 1994)

O P I N I O N

Summary

Complaint of Wilsons The Leather Experts against Brake-Delivery Service-Meier Transfer Service for violation of Pub. Util. Code §§ 451 and 453 for seeking to assess unlawful undercharges is dismissed for lack of jurisdiction.

Discussion

On May 23, 1994, Wilsons The Leather Experts filed a complaint against Brake-Delivery Service-Meier Transfer Service for violation of Pub. Util. Code §§ 451 and 453 for seeking to assess unlawful undercharges. Since the filing of this complaint, the Legislature enacted AB 1683 (Stats. 1996, ch. 1042). AB 1683 repealed the Highways Carriers' Act (Pub. Util. Code § 3501 et seq.), thereby removing the statutory jurisdiction of this Commission over the transportation of

property over the public highways in California, with the exception of household goods movers. Jurisdiction over motor carriers of property, other than household goods movers, now rests with the California Department of Motor Vehicles and the California Highway Patrol. (See Motor Carriers of Property Permit Act, Vehicle Code Section 34600 et. seq.) In light of the fact that this Commission lacks jurisdiction over motor carriers of property, the complaint should be dismissed for lack of jurisdiction.

In addition, on October 18, 2002, the assigned Administrative Law Judge (ALJ) issued a ruling directing parties to address whether the proceeding needed to remain open. No responses were filed.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. No comments were received.

Assignment of Proceeding

Geoffrey Brown is the Assigned Commissioner and Philip Weismehl is the assigned ALJ in this proceeding.

Findings of Fact

1. Brake-Delivery Service-Meier Transfer Service once held authority from this Commission to operate as a motor carrier of property.
2. This Commission regulated motor carriers of property until the passage of AB 1683, which became effective September 29, 1996.
3. AB 1683 revoked this Commission's jurisdiction over highway motor carriers of property, other than household goods movers.
4. No party indicated the need for this proceeding to remain open.

Conclusions of Law

1. Case 94-05-036 should be dismissed for lack of jurisdiction.
2. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Case 94-05-036 is dismissed.
2. This proceeding is closed.

This order is effective today.

Dated December 5, 2002, at San Francisco, California.

HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

President Loretta M. Lynch, being
necessarily absent, did not participate.